

REMARKS

The application is believed in condition for allowance for the reasons set forth below.

Claims 1-23 were previously pending in the application. Claims 21 and 22 are canceled. Therefore, claims 1-20 and 23 remain for consideration.

Claims 1-20 and 22-23 were rejected as unpatentable over TREYZ et al. 6,711,474 in view of HASSETT 6,653,946. That rejection is respectfully traversed.

Claim 1 recites a second memory for storing names of contractors or their car numbers and unit toll for each section along a highway.

Column 55, lines 3-9 of TREYZ (noted in the Official Action) teach that each collection facility may use a different frequency and different communication protocol for its local wireless link. As disclosed on column 55, lines 14-23 of TREYZ, the local information is used by the driver to determine the current region that the automobile is located. This enables the personal computer 12 to determine which communication protocol is in use at a nearby toll collection facility so that protocol may be used during toll collection.

Thus, the computer of TREYZ recognizes there are different regions having different toll data sending protocols. However, TREYZ does not teach or suggest that a memory stores a unit toll for each section along a highway as recited.

TREYZ only determines the region he is in and which communication protocol to use in that region, not the unit toll for that region.

Moreover, as previously set forth, there is no motivation for combining TREYZ with HASSETT.

HASSETT is offered for the teaching of a toll calculation unit for calculating a toll on the basis of the toll unit and the identified driving route.

Column 4, lines 31-44 of HASSETT noted in the Official Action teach a dedicated toll collection facility that transmits a unique signal which indicates the location of the toll collection facility and the amount due at that toll collection facility. An in-vehicle toll processor receives the signal from the toll collection facility and updates the information based on where the vehicle enters and exits the toll route.

However, such information is stored in an in-vehicle memory, not a memory of a server connected with a base station and that comprises first and second memories, a driving route identification unit, and a toll charging unit.

It is impermissible to pick and choose features from a reference absent a suggestion or motivation to do so. Clearly, HASSETT relies on each individual vehicle having a toll calculation unit calculating a toll for that vehicle. Selecting the toll calculation unit for calculating a toll while ignoring that the toll calculating unit is part of a server that is in

contact with a portable device (not within the portable device itself), is insufficient to establish *prima facie* obviousness.

Accordingly, the rejection of claim 1 is not viable.

Claim 2 also recites a server comprising a second memory for storing a toll unit for each section along a highway, a toll calculation unit for calculating a toll on the basis of the toll unit and the identified driving route and a toll charging unit for charging a portable telephone the calculated toll. The analysis above regarding claim 1 is equally applicable to claim 2.

Independent claim 17 also includes a step of storing in a server a unit toll for each section along a highway. Claim 17 also recites calculating a toll on the basis of a unit toll and an identified driving route and charging a portable telephone the calculated toll. Independent claims 18-20 and 23 include similar limitations and are also believed patentable over the cited prior art.

Cancelling claim 21 is believed to obviate the rejection over TREYZ et al.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

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